

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRAYVON LEONARD,  
Plaintiff,

v.

RALPH DIAZ, et al.,  
Defendants.

No. 1:22-cv-00381 KES GSA (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

Doc. 12

Plaintiff Travon Leonard, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 29, 2024, the assigned magistrate judge issued a minute order requiring plaintiff to file a notice of current address with the Court. Doc. 10. On August 2, 2024, the minute order was returned to the Court as “Undeliverable, Return to Sender, Paroled.”<sup>1</sup> See Docket. Local Rule 183(b) requires a pro se party to keep the Court apprised of his or her address. It further provides that the Court may dismiss an action without prejudice for failure to prosecute if the

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<sup>1</sup> Though the minute order was returned to the court as undeliverable, it was properly served on plaintiff. See Local Rule 182(f) (“Each appearing attorney and pro se party is under a continuing duty to notify the Clerk and all other parties of any change of address or telephone number of the attorney or the pro se party. Absent such notice, service of documents at the prior address of the attorney or pro se party shall be fully effective.”)

1 party fails to update the Court of his or her new address within 63 days of mail directed to the  
2 party being returned to the Court as undeliverable. Local Rule 183(b).

3 On August 12, 2024, the magistrate judge issued findings and recommendations  
4 recommending that this case be dismissed for failure to prosecute due to plaintiff's failure to  
5 update his address with the Court. Doc. 8. The findings and recommendations were served on  
6 plaintiff at the address listed for plaintiff on the docket and contained notice that objections were  
7 due within fourteen days. Doc. 12. Plaintiff has not filed objections to the findings and  
8 recommendations, and the time to do so has passed. *See* Docket.

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de  
10 novo review of the case. Having carefully reviewed the file, the Court concludes that the findings  
11 and recommendations are supported by the record and that the case should be dismissed without  
12 prejudice. More than 63 days have passed since the minute order (Doc. 10) was returned to the  
13 Court as undeliverable, and plaintiff has not provided the Court with a current address. *See*  
14 Docket. Therefore, dismissal for failure to prosecute is proper pursuant to Local Rule 183(f) and  
15 is supported by the *Malone* factors, as analyzed by the findings and recommendations. *See*  
16 *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987).

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. The findings and recommendations issued on August 12, 2024, Doc. 12, are adopted  
19 in full; and  
20 2. This matter is dismissed without prejudice for failure to prosecute.

21  
22  
23 IT IS SO ORDERED.

24 Dated: October 10, 2024

  
UNITED STATES DISTRICT JUDGE